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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4163 OF 2004

Smt. Halimbee Kamaruddin Shaikh & Ors. ... Petitioners

Vs.

State of Maharashtra & Anr. ... Respondents

Mr. M.S. Lagu with Mr. N.R. Bubna for the petitioners.

Mr. S.M. Gorwadkar, A.G.P. for respondent 1.

CORAM: ABHAY S. OKA, J.

DATED: 8TH DECEMBER, 2004.

P.C.:-

1. Heard Mr. Lagu, the learned counsel appearing for the petitioners and Mr. Gorwadkar, learned A.G.P. appearing for respondent 1.

2. By the impugned judgement and order, respondent 1 - the State Government has been permitted to file written statement in a suit filed by the petitioners.

3. Mr. Lagu, the learned counsel for the petitioners submitted that there is hardly any ground given in the application made by respondent 1 for setting aside the order passed by the trial court directing that suit should proceed without written statement.

4. The result of the order impugned is that the written

statement filed by respondent 1 is taken on record. No case is made out for interference of the impugned order, in this petition under Article 227 of the Constitution of India.

5. Petition is rejected of with no order as to costs.

(ABHAY S. OKA, J.)